

THE GEORGE WASHINGTON UNIVERSITY  
Washington, DC

MINUTES OF A REGULAR MEETING  
HELD ON FEBRUARY 12, 1993, IN  
LISNER HALL, ROOM 603

The meeting was called to order by President Trachtenberg at 2:20 p.m.

Present: President Trachtenberg, Vice President French, Registrar Gaglione, Parliamentarian Schechter, Captain-Hidalgo, Carson, Cohn, East, Englander, Felts, Fowler, Friedenthal, Frieder, Goulard, Gupta, Harrington, Hill, Holmes, Johnston, Keimowitz, Mahmood, Mitchell, Morgan, Park, Robinson, Salamon, Schiff, Smith, Smythe, and Wallace

Absent: Belknap, Divita, Maddox, Miller, Silber, and Vontress

APPROVAL OF MINUTES

The President called for approval of the minutes of the regular meeting of January 15, 1993, as distributed. Professor Park asked that an amendment be made on Page 3, under BRIEF STATEMENTS, in the last line of the first paragraph to insert the phrase "over other members of their families," so that the sentence would read: "Professor Park emphasized that the University, the Benefits Review Committee, and the Appointment, Salary and Promotion Policies Committee were all concerned about those employees who have no health insurance coverage over other members of their families because they cannot afford it." The minutes were then approved as amended.

RESOLUTIONS

I. RESOLUTION 92/4, "A RESOLUTION ON POST-TENURE REVIEW"

On behalf of the Committee on Professional Ethics and Academic Freedom, Professor Cohn, Chair, said that the resolution distributed with the call for this meeting was passed by the PEAFC Committee in December. Since that meeting a few things had transpired. The Committee met this past Monday and adopted two amendments to the original resolution by adding two additional WHEREAS clauses shown in the shaded areas on the substitute resolution distributed at this meeting. Professor Cohn then moved the introduction of the substitute resolution which included the additional WHEREAS clauses, and the motion was seconded. No objections were made to consideration of the substitute, and the Chair ruled the substitute resolution was accepted for consideration in place of the original Resolution 92/4.

Professor Cohn explained that this resolution came about as a consequence of an "End-of-the-Year Report" from the Task Force on Continuing Faculty. He said he wished to read one paragraph of that report which sets the stage for where the PEAFC Committee and hopefully the Faculty Senate are coming from. In that report, it states:

There is on the whole a satisfactory level of faculty performance. The number of faculty who are unproductive to the point of being considered less than satisfactory is quite small, clearly not more than 5% at most. Such numbers do not constitute a problem sufficient to warrant major changes in our evaluation process.

Having noted that, Professor Cohn said that the Task Force Report and subsequent documents emanating from the Office of the Vice President for Academic Affairs would suggest that, in fact, there are some rather important significant changes that are being envisaged. In reviewing these changes, the PEAFC Committee felt that they posed a potential threat to the procedures of the Faculty Code which are a part of the faculty's contractual relationship with the University. He said that there were some features in the "End-of-the-Year Report" that probably have some merit, e.g., a faculty review on a cycle longer than annually. Several schools apparently already have had that process initiated by their deans. However, he pointed out, if there are people who are not performing satisfactorily, the University does have mechanisms for dealing with these individuals spelled out in detail in the Faculty Code which provides due process and protection for an individual's rights. Some of the other features in the End-of-the-Year Report and in Vice President French's report to the Council of Deans when they met with the Executive Committee of the Faculty Senate emphasize some of the "teeth" that are implied in these proposals. For instance, the idea that members of the faculty who do not measure up to some standard can be given decreases in salary or encouraged to retire at a time prior to when they might otherwise have retired. In reading that report, Professor Cohn said it sounded like something he might have read in a report from General Motors rather than in a University community of scholars who have the privilege of tenure and the guarantees and protections that tenure brings to academic freedom, independence of thought, independence of expression, and the ability to work as an academic community. He said that it was the view of the PEAFC Committee that such features of the End-of-the-Year Report all detract from the faculty's ability to function as a community of scholars by providing a potential atmosphere of intimidation and harassment from the administration. Professor Cohn said the Senate has an obligation to look at these proposals very, very carefully and to not allow the faculty's contractual guarantees of the Faculty Code, insofar as they insure the tenure process at this University, to be compromised. He then moved the adoption of Substitute Resolution 92/4, and the motion was seconded.

Professor Robinson, noting that Professor Henry Solomon could not be present today, read a letter from him to the Senate addressing Resolution 92/4. (Letter dated February 12, 1993, from Professor Solomon is attached and made a part of these minutes.)

Professor Harrington then spoke in support of the resolution. Currently, he said, the faculty are evaluated by four different areas: by departmental chairmen from annual reports; by students' evaluations; by peer review with regards to publications, grant proposals and awards; and by professional societies. In addition, there is always the possibility of review by the administration and the deans. He, therefore, thought there were already considerable processes for evaluation of faculty. Professor Harrington suggested that the annual report represents an excellent mechanism which might be used more effectively to help the faculty. In reviewing Vice President French's proposal for post-tenure review, he said the Executive Committee asked Vice President French the reason for the urgency and the need for such reviews and the Executive Committee could find no reasons. The report itself admits that only 5% of faculty at most were not performing satisfactorily and such cases can be dealt with adequately by Faculty Code procedures. As to the problem of the elimination of mandatory retirement of faculty, Professor Harrington said that he thought it most unlikely that faculty will remain until they are 90 years old, doing very little but insisting upon being paid full salaries. The proposal of reducing salaries and encouraging early retirement, he said, would lead to many grievance cases which the University does not need or want. In trying to understand Vice President French's motivation for proposing post-tenure reviews, Professor Harrington said he came across a memorandum dated June 28, 1990, from Vice President French to the Council of Deans in which Vice President French explained that a topic of considerable interest had come up in a meeting of department chairs in the Medical School and he took the liberty of reproducing the full text of the Minutes on that topic entitled "The Nonproductive Tenured Faculty Member" in his memorandum. Professor Harrington then read the full text of those Minutes which follows:

The GWU Code mentions that the appointment of a tenured faculty member may be terminated by the University for adequate cause. Adequate cause is described to mean "unfitness to perform academic duties because of (a) incompetence; (b) lack of scholarly objectivity or integrity; (c) persistent neglect of professional responsibilities under this Code; or (d) gross personal misconduct that destroys academic usefulness."

Although procedures appear to be in place to relieve the non-productive faculty member of tenure, this route is rarely followed because it usually is exceedingly costly in terms of effort, time and money. Furthermore, these criteria are difficult to maintain in a court procedure,

and must be tightened. Although tenure was originally intended to protect academic freedom and the expression of unpopular views, those needs are of less concern now. The tenure system on occasion has permitted a decrease in professional performance, laziness, uncollegiality, and impairment due to substance abuse. Coupled with the illegality of terminating faculty due to age as planned after 1993, the reluctance on the part of universities to drop unproductive tenured faculty is leading to increasing problems in academe.

Professor Harrington noted that Vice President French concluded his memorandum to the Council of Deans by stating: "I [French] suggest that we use this minute as the point of departure for discussion of this issue at one of our first meetings in the fall semester." Professor Harrington said it seemed apparent to him that there is a clear sense to remove tenure if at all possible. He stressed that tenure was the faculty's lifeblood and he urged the Senate not to let the administration take it away. He also wished to point out that most universities require administrators of academic responsibilities to subject themselves to annual review by the faculty of the institution. He said it was time to raise this University to the same level as its peers by following their example.

Professor Mitchell noted that his initial reaction to the post-tenure review proposal was favorable. The idea that there be a continuing post-tenure review accorded well with the notion that tenure is not a sinecure and that everyone shares the same distaste for those who take advantage of the system. However, in thinking about post-tenure review, Professor Mitchell said he became uncomfortable with the concept of unlimited discretion and began to think about the kinds of processes that would be necessary to insure that the post-tenure review would not be abused, and he found the processes led him right back to the processes of tenure removal. If that is case, he said, then it seemed to him that the only legitimate reason for such post-tenure review is to attempt to approach, as nearly as possible, the removal of tenure without actually using the processes for removal of tenure. Professor Mitchell said that he supported the resolution.

Professor Park, Chair, Appointment, Salary and Promotion Policies Committee, said that the resolution had also been sent to the ASPP Committee for action and that the Committee took a vote on the sense of it and recommended adoption of Resolution 92/4. He then summarized his personal reaction to the resolution which he did not view as controversial or threatening. He thought the original proposal [i.e., the End-of-the-Year Report] was intended in good faith and addressed what the administration and the Office of Vice President for Academic Affairs felt were both positive and negative initiatives. On the positive side, the suggestion was that with greater administrative oversight and support, faculty members might plan for longer term



career development and have stronger administrative support for research and encouragement in the development of new specialties or redirection of their research or career interests. But, he said, the original proposal was very complicated and was very vague. It involved large grants of discretion with very little process and made people quite anxious when they found that the proposal had real "teeth" associated with it. Professor Park said he thought such vagueness and lack of process was inconsistent with the University's broad interests and with good personnel practice. Further, while peer review procedures for non-performing faculty are currently provided for in the Faculty Code, he said that various chairs have had problem cases for years and had presented these cases repeatedly to the Office of the Vice President for Academic Affairs, but the process is so cumbersome no initiatives had been taken on them. If the problem of faculty non-performance is urgent, why have existing procedures not been tried? In looking at the resolution, Professor Park said it seemed to him that the first three paragraphs were non-controversial statements of Senate opinion, but he was troubled with the fourth paragraph regarding prospective peer review procedures. He said that amending language to this paragraph that showed some sympathy for the positive aspects of the proposal might be helpful, because he did not think the Senate saw itself as simply standing opposed to all kinds of change. On that basis, Professor Park said he would support the resolution but would favor a softening amendment to the fourth paragraph.

Professor Robinson then made the following statement:

I would like to speak in support of the resolution in the context of some 28 years of professional service to the University and out of heartfelt loyalty to my undergraduate alma mater. In that context I offer some observations about our faculty and university.

We are a community of teacher/scholars whose productivity, effectiveness and contribution are under constant scrutiny through student evaluations, evaluations of Chairs, deans, and upper administration. We are very much aware of our successes and failures. These vehicles have served us well. The present system of reporting allows for flexibility and modification to suit the needs of individual schools. Most importantly, the system operates within the protections of the Faculty Code and, as such, does not violate contractual obligations and protections of tenure.

The system proposed by the Task Force violates these protections and calls for a process which would serve to demoralize, intimidate, and lead to litigation which would prove costly to all concerned. Further, and perhaps ultimately more disturbing, this report reflects

a very different institutional philosophy; view of the relationship of faculty and administration; and the rights of faculty. It is a model which might be suitable, even successful, in a non-academic environment. For an institution built on the concept of freedom of expression, intellectual independence and productivity; cooperative governance; and one that aspires to academic distinction, this is surely a managerial direction we should not take.

Professor Hill noted his having reported Senate activities to the Faculty of the Elliott School the previous week. He was persuaded, he had told his colleagues, that the Task Force, however inept its approach, had addressed a serious problem and one that remained, to wit, the institution's probable loss of competitiveness resulting from a fixed number of faculty, the slowing rate of retirements, and the perception of rapidly changing curriculum demands from the student clientele. Although he thought the Task Force remedies had posed a danger both to academic freedom and tenure, he had pointed out to his colleagues that the Task Force report had been disavowed. In that context, he told his colleagues that he intended "to pick up the pieces" and try to work with the Administration to resolve the problem with, however, a more watchful eye on preserving safeguards for tenure and academic freedom. Professor Hill expressed regret that his faculty had severely rejected his announced intention to be conciliatory and had done so by voting not to re-elect him to the Faculty Senate. He was satisfied, however, that his faculty's action had sent a clear message to the Administration: that "any perceived attempt to monkey around with tenure or academic freedom would be met with suspicion, hostility, and opposition...and properly so."

Professor Smythe indicated his support of the resolution but somewhat in the spirit of Professor Park's comments about the fourth paragraph. He said that the present system of annual reports could be and should be improved but without adding another layer of review onto the existing system. Professor Smythe said that he was not persuaded by the Task Force's report of the need for such remedies or even that such remedies would be administered fairly.

Professor Morgan, a member of the Task Force during the past year, said he supported the resolution but for different reasons. The Task Force was asked to deal with a perceived problem and he, Professor Garris, and Professor Lobuts, the faculty members of the Task Force, wrestled with a number of matters. The End-of-the-Year Report, at least in his understanding, was not intended to be viewed as a final report because there were many issues yet to be addressed before a final recommendation could be made. Subsequently, a different conclusion was reached, he said, in which he was not a participant. Professor Morgan said that we all know there is a continuing review of tenured faculty by chairs and deans in the form of annual reports which

do not involve any significant peer review. However, there are in the report recommendations for improvement in the review process from the standpoint of faculty development and he thought the system should be improved. He said he resented the implication that his participation in the Task Force discussions was an attack on tenure. Professor Morgan asked the Senate not to confuse the issue of tenure with improvements in the evaluation process.

Professor Park then moved to amend the fourth paragraph of the resolution by adding the following sentence: "The Senate encourages the efforts of the Vice President for Academic Affairs to improve the evaluation, development and support of faculty performance." The motion was seconded.

Professor Griffith was given the privilege of the floor to speak to the amendment. Noting that he was Chair of the Executive Committee when it cooperated with Vice President French in drafting the charge to the Task Force, he said it has become quite clear that the direction it was taking was not that envisioned by the Executive Committee. Among other problematic features, the Task Force proposal would put faculty review largely in the hands of chairs and deans, perhaps with the possibility of appeal to peer review. He suggested that the Senate strike the fourth paragraph in its entirety because the language of that paragraph might put the Senate in a light it would not like to be in. By declaring the Senate to be against all additional peer review, it leaves any alternative additional review that might subsequently be proposed to the administration.

Professor Robinson stated that she did not think the faculty was against peer review but rather "additional" peer review. She thought the faculty could make a distinction between faculty peer review and the administration's encouragement of peer review.

Further discussion of the Park amendment continued. Professors Harrington, Cohn, Robinson, and Carson spoke against the amendment. Professor Mitchell spoke in support of the amendment.

The question was called on the Park amendment. A paper ballot was requested. The vote was taken by paper ballot and the Park amendment was defeated by a vote of 5 to 13 with one abstention.

The question was called on the original motion. A paper ballot was requested. The vote was taken by paper ballot and Resolution 92/4 was adopted by a vote of 18 to 0 with one abstention. (Resolution 92/4 is attached.)

II. A RESOLUTION ON COORDINATION OF THE FACULTY SENATE RESEARCH COMMITTEE AND THE ADVISORY COUNCIL ON RESEARCH (92/5)

On behalf of the Research Committee, Professor Wallace, Chair, moved the adoption of Resolution 92/5 and the motion was seconded. He explained that the Committee considered the proposal for merging the Research Committee with the Advisory Council on Research but rejected that notion. The resolution recommends instead a fairly simple mechanism for greater coordination between the Committee and the Council.

The question was called, and Resolution 92/5 was adopted unanimously. (Resolution 92/5 is attached.)

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

GENERAL BUSINESS

I. REPORT OF THE EXECUTIVE COMMITTEE

Professor Robinson reported on the activities of the Executive Committee. (The report is enclosed.)

II. INTERIM REPORTS OF SENATE COMMITTEE CHAIRS

Professor Park, on behalf of the Appointment, Salary and Promotion Policies Committee, noted that the Committee for several years has presented to the Senate a compilation of comparative data on GW faculty salaries relative to select market-basket universities. He said that Professor Arthur Kirsch, who prepared that data, was the pioneer in the Faculty Senate for contriving the idea of a "market-basket," and the ASPP Committee and the Senate were indebted to him for that work. Currently, Professor Park said, the ASPP Committee is compiling a new series of salary data by school and college. This will require the definition of new sets of comparable market-basket schools. This work is being done by the representatives of their respective schools and colleges. For some schools, this data is readily available; for others it is available only on a limited-use basis since it is supplied confidentially to the University from professional associations. Professor Park asked anyone who knows of sources of data of particular University divisions to contact either Professor Amling, Chair of the Subcommittee working on this data, or Professor Kirsch, a member of that Subcommittee.

In addition, Professor Park said, the ASPP Committee has supplemental data, distributed at today's meeting, on GW compensation. This represents an attempt to provide data on broad salary policies and constitutes public record information on the compensation of University



executives. Professor Park then asked the privilege of the floor for Professor Kirsch to report on this data.

Professor Kirsch first pointed out that the compilation of comparative data on GW faculty salaries with the market-basket universities referred to by Professor Park, was distributed to the Faculty Senate at its May 8, 1992, meeting by the ASPP Committee, and was distributed with the minutes of that meeting. That data covered a period from 1986 to 1991 and showed within the market-basket a lowering of the position of GW full professors. With that background, Professor Kirsch recalled that when former President Elliott arrived at this University his first task was to move GW faculty salaries to what was then called the AAUP "A" scale, and indeed that took place over five years. Professor Kirsch then asked the Senate to turn to the new data sheet covering the past three years, excluding the Medical School, which shows the salaries and bonuses and percentage increases for senior administrative officers compared with the salaries and percentage increases for continuing full professors. He said the ASPP Committee thought it important that this data be presented in order to inform the Senate and all faculty through the Senate minutes. While the Senate can see that the average change between 1991 and 1992 for all senior full professors was 3.7%, he pointed out that that figure was really only 5/9's of 3.7% since faculty raises were delayed by one semester. The data on the salaries, bonuses, and raises of the senior administrative officers of the University represent the actual dollars reported to the IRS for a 12-month period with the exception of those numbers where asterisks appear indicating persons who were here less than a full year. Professor Kirsch said he took the liberty of projecting those particular figures to one full year. Professor Kirsch said the ASPP Committee thought that the Senate and faculty should be informed of this data so, when the faculty is asked to make sacrifices, they can look at their salary raises and compare them with other numbers they now have. (Data on GW compensation is attached.)

Professor Kirsch then asked to speak briefly as an individual, not as a member of the ASPP Committee. He made the following remarks:

The Hatchet recently printed a wonderful article about President Trachtenberg's average pay. I would like to quote one of our former colleagues and former leader of the Faculty Senate, the late Professor Edwin L. Stevens, who said: "The only thing worse than being misquoted by The Hatchet was being quoted correctly by The Hatchet when you said a damn fool thing!"

I would like to read a paragraph from the February 11, 1993, issue of The Hatchet in which the reporter asks the President if he thinks his salary increases are 'fair' compared to the 3% and 4% faculty and staff increases during the past few years. President

Trachtenberg replied: "The jobs are so different. My responsibility is for the entire University. He said because few professors have to teach on Friday and because their salaries are based on a nine-month academic year, the two are not comparable."

Professor Kirsch said it was not true that faculty do not work on Fridays. Many faculty can be found working quite hard in their offices on Friday. Further, he thought that in times of pain and need, sacrifice for the whole University needs to be shared. When one looks at the percentage increases, one gets the feeling that such pain and sacrifice is indeed not shared by all.

In response to Professor Kirsch, the President made the following remarks:

What we have here is a comparison of the compensation of 12 individuals with approximately 700. I am not sufficiently schooled in these matters to hold myself out as an expert, but I have a feeling that it is not sound to compare the statistical percentage raises between 12 people and 700. It is perhaps better to take a look at the top 30 faculty raises for example. If one takes a look at the percentages of raises given to those faculty who received the highest raises, one discovers not only comparability but that the faculty raises on the top 12 of that cohort exceed the percentages of increases for the 12 persons that have been identified in Professor Kirsch's brief. I think you are right that there are many faculty who work Fridays and, indeed, no doubt, a significant number of faculty who work June, July and August, although I believe that many of the faculty who work June, July and August like to be compensated for that period and like to be compensated in excess of the numbers that are reflected in this chart. The fact of the matter is that the administrators who are on this chart work a 12-month year and therefore the base is, in fact, not a comparable one.

I also think that there are significant differences in administrative jobs from teaching jobs. Every single time a faculty member takes on the responsibilities of a Chairmanship or Associate Dean, or Dean there is an expectation of enhanced compensation. That leads me to believe that the faculty themselves think that there is some distinction that needs to be compensated for in the administrative role. As we all know, the preferable life of many people is the professorial life and properly so.

I do not generally wash my own laundry in public in front of the Senate, but it may be interesting for you to know what the Executive Committee of the Board of Trustees knows and that is that in the four years I have been at the University, I have accepted raises only twice. At the end of the first year I felt that I was sufficiently compensated on my arrival at the University so that I waived any raise at the end of the first year. In the second year you will recall there was a freeze on raises at the Medical Center and my feeling was that if I was obliging faculty and staff not to take raises at all, then I would sustain the same thing. That was something that I never went public with until now, but this seems to be a good time to bring it up. At the end of that two-year period, the Board of Trustees decided that they wanted to put me where they thought I would have been had it not been for those two years of abstinence, and I got a higher actual percentage raise than I would have gotten otherwise.

I think there are other issues as well. In almost all environments, risk is something that is compensated for. As we have heard today, tenure provides protection that is not given to administrators. The Vice Presidents serve at my pleasure and I serve at the Board's pleasure. I think that is a consideration that has to be kept in mind in contemplating salaries. I would also point out that the Vice Presidents themselves went to an 18-month raise cycle a year ahead of the faculty. So while it is true that faculty raises were put off by 4 months in the current academic year, that was experienced by the Vice Presidents a year earlier.

For all of these reasons, I think the data are less persuasive than they might otherwise be, and I think it is not useful in advocating better salaries for faculty to try to hold hostage the one-half dozen to 12 senior administrators of the University. The two issues have nothing to do with each other. The fact of the matter is that we ought to try to compensate our administrators as well as we can and we ought to try to compensate our faculty as well as we can. The case for faculty compensation stands on its own two feet, and needs not to be leveraged by comparison with the administration's.

Professor Mitchell said he wished to correct a misapprehension about what faculty do. He said he and the vast majority of his colleagues work 5 days a week during the academic year and also work June, July and August in order to get significant research done when they do not have teaching responsibilities. A consequence of that

[this pattern of faculty performance] has been a tremendous increase in the reputation of the National Law Center over the past five or six years. President Trachtenberg replied that faculty's summer work is to some extent a matter of personal choice, whereas that is not an option for administrative officers.

Professor Morgan said the remarks of the President in The Hatchet article bothered him particularly because it encouraged in the young student body the notion that faculty members do not work on Fridays and that this distinguishes their jobs from the demands of administrators' jobs. To suggest that faculty responsibilities during the summer months and on Fridays are "voluntary" seemed to him to mistake and mis-state the faculty's job. The President replied that there are many faculty who petition the University for additional compensation if they work during June, July and August because they believe they are compensated for a term less than 12 months.

Professor Mahmood asked the President to clarify his remarks about the faculty working only 4 days a week since it was a question of morale of the faculty for GW's leader to make that statement. President Trachtenberg explained there are few classes scheduled on Fridays, and that, as a matter of contractual obligation, a provision in the Faculty Code specifically permits the faculty to have one day off during the week to pursue personal and/or professional activities. He thought there were probably many faculty who work more than "six" days a week because they have a professional commitment to their work, but not because there is a contractual obligation to do so. By contrast, the administration is obliged to be here 12 months of the year, 5 days a week.

The privilege of the floor was given to Professor Schlagel who said he did not think the President had addressed the issue and he made the following statement:

A very important issue is the respect we have for the President in terms of his judgment and his sensitivity. The fact is that the faculty have been asked to take a rather low additional compensation per year and, whether it is 10 administrators or not, they have been given additional bonuses and increases that are at least twice that of the faculty. In my opinion, together with that of other faculty I have talked to, that represents insensitivity and poor judgment and this has affected our evaluation of you as a President.

President Trachtenberg responded that again he thought the comparison does us no good. If the main thrust of the argument is that it would be nice for the faculty to be better paid at this University, he said he is committed to doing that. There was a whole agenda of areas in which he has made manifest his commitment to the faculty and



his regard for senior faculty. He emphasized that to try to build a hypothesis on the basis of this modest comparison, which he believed to be flawed, was wrong-headed and did not reflect scholarly protocols.

Professor Gupta pointed out that the contractual obligations of the faculty require them to do research when they are not teaching. Now, either that research must be done on Fridays or during the summer months unpaid by anyone. He thought the President must recognize that research is required as a part of the faculty's duties -- it is not at their pleasure. The President replied that he mostly agreed but there were also faculty who frequently get grants for research and build into those grants compensation for themselves and stipends for graduate students and a whole variety of other things which is not unusual and is absolutely appropriate. Faculty and administrators have different jobs.

Professor Robinson noted that the "one day a week" provision appears in the Faculty Handbook rather than the Faculty Code. She then read the provision as follows: "The University permits a member of its faculty to spend the equivalent of up to one day a week during the academic year on outside consulting and other professional activities, provided such commitments do not interfere with University obligations."

#### BRIEF STATEMENTS (AND QUESTIONS)

Professor Mahmood, speaking as Chair of the Physical Facilities Committee, as a member of the Senate, and as a member of the faculty of the Engineering School, said that the Physical Facilities Committees had been told by the Space Utilization Committee that its report would be due in December and that this report would be submitted to the Physical Facilities Committee for review by the Committee. He said that now the Committee has been told the report will not be available until the third week in March. At the same time, he said, the Dean of the Engineering School has indicated that he is involved in negotiations with the administration about the relocation of a good part of the Engineering School faculty. Professor Mahmood asked the President about the status of this report and whether or not the Physical Facilities Committee will have an opportunity to review it.

The President said he had not seen the report and therefore did not know the contents of it. He called upon Vice President Katz to speak to this question.

Vice President Katz said that the report was not concluded and before it is finalized and distributed to the Physical Facilities Committee some of the findings must be discussed by the various schools that may be affected. For example, a substantial number of Engineering School faculty are located off campus and the objective of the Space Utilization Committee, from the very beginning, was to bring those

faculty back on campus. Because the report is not yet finished it has not been brought to the Physical Facilities Committee, but he pointed out that the Committee has been given continual updates on its status.

Professor Mahmood said that his question did not pertain to the objectives of the Space Utilization Committee. The mission of the Physical Facilities Committee is to consider on behalf of the Faculty Senate all matters affecting the physical facilities of the University. His question is whether the Physical Facilities Committee will have sufficient opportunity to review the report and make its recommendation to the Faculty Senate or whether this report will come to this Committee as a fait accompli. Vice President Katz said that the report will be brought to the Physical Facilities Committee as soon as it is completed.

Professor Harrington asked President Trachtenberg if the Senate could have his assurance that no decisions will be taken with regards to the move of any department or school until the Physical Facilities Committee has had an opportunity to review the report and make its recommendations. The President responded affirmatively.

Vice President French pointed out that the University has engaged a professional consulting firm which is working on the space utilization project. The consultants have contacted every departmental chair across the campus in an attempt to improve the accommodations for several of our major academic units. He said that there is no master plan yet for the Physical Facilities Committee to review and one of the major reasons is that the Space Committee has not been able to come up with the right proposal for accommodations for the School of Engineering.

Professor Gupta suggested that Professor Mahmood, Chair of the Physical Facilities Committee, be appointed to the Space Utilization Committee. The President indicated he did not object to that appointment. Professor Mahmood said he would gladly accept that appointment.

#### ADJOURNMENT

Upon motion made and seconded, President Trachtenberg adjourned the meeting at 4:20 p.m.



J. Matthew Gaglione  
Secretary

[Any inquiries about this resolution should be directed to Professor Victor H. Cohn, Chair, Professional Ethics and Academic Freedom Committee, Ext. 4-3926.]

SUBSTITUTE

A RESOLUTION ON POST-TENURE REVIEW (92/4)

WHEREAS generations of academic personnel at The George Washington University have been afforded academic freedom, fair process and employment protection by the system of tenure; and

WHEREAS the Faculty Code confirms and protects established tenure rights of faculty and provides for fair process for such cases where individuals are alleged to have become unfit to perform their academic duties; and

WHEREAS the Faculty Code is an express part of the contract between each member of the faculty and The George Washington University; and

WHEREAS a National Commission of Higher Education Issues issued recommendations in 1982 strongly asserting "the continuing importance of faculty tenure as an essential instrument to protect academic freedom and thereby ensure the highest quality of teaching and research;" and

WHEREAS it is accepted that, as elimination of mandatory retirement at other universities has not had the effect of dramatically extending the time of active service the Age Discrimination in Employment Act, which will end compulsory retirement based on age on December 31, 1993 is not cause for concern or precipitate measures; and

WHEREAS in an End-of Year report a Joint Task Force has made recommendations which would seriously weaken tenure protections for faculty; ~~and now therefore be it~~

~~WHEREAS the Vice President for Academic Affairs has advised the Faculty Senate that the Council of Deans has stated that the End-of-Year Report is "no longer on the table," there is compelling evidence that the recommendations of this report remain objectives of the Administration of the University; and~~

~~WHEREAS it is vitally important that the faculty, through the Faculty Senate, make known its views with respect to these recommendations; now therefore be it~~

RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

1. The Faculty Senate considers that the basic suggestions regarding additional formal systematic reviews of continuing faculty and the recommendations for their implementation contained in the report of the working party would seriously compromise the protections of tenure;
2. The Faculty Senate opposes reduction in faculty salaries as inconsistent with the Faculty Code, contractual rights and academic freedom of the faculty;
3. While good-faith discussions and positive incentives are consistent with academic freedom, the Faculty Senate opposes threats or processes of harassment to "encourage" retirement of faculty; and
4. Peer review procedures are presently provided for in the Faculty Code. The Senate opposes the imposition of additional peer review of tenured and other continuing faculty; it believes that additional peer review would result in unacceptable costs in time, money, creativity, independence and collegial relationships and could be used for purposes of harassment and intimidation or to provide grounds for dismissal alternative to the proper procedures of the Faculty Code that provide the necessary safeguards for academic due process.

Senate Committee on Professional Ethics and Academic Freedom  
Passed 7 December 1992. Amendment passed 8 February 1993

Adopted February 12, 1993

Statement of Professor Henry Solomon read by Professor Robinson at the Faculty Senate meeting, February 12, 1993, regarding Resolution (92/4) on Post-Tenure Review.

**February 12, 1993**

**Dear Colleagues:**

**Today's agenda includes an item of great importance which I feel compelled to address, i.e., "A Resolution on Post-Tenure Review". I regret that it is not possible for me to be present, and I do want to thank Professor Lilien Robinson for agreeing to read this statement which I submit for your consideration.**

**It will become obvious to you rather quickly that my compulsion is due to my strong positive view of the tenure system due to its resulting contributions to academic excellence and to academic freedom. It is my estimate that the recent effort by the Post-Tenure Review Committee, if continued, will intentionally or otherwise destroy the system of tenure and put an end to excellence at our University.**

**For those of you who may not know me I should offer a few biographical comments only to help explain my concerns. In addition to being a long-term member of the faculty, I served as a member of the research staff which included a number of years as Principal Investigator of large-scale research programs, and had the honor and privilege of**



serving five years as Chairman of our Department of Economics followed by seventeen years as Dean of our Graduate School of Arts and Sciences. Over many years and from different vantage points I have had the opportunity to observe the qualitative growth of our University. Over these years we have come a long way, and isn't it interesting we did this with the tenure system? Also who can deny the general trend of increasing excellence in American higher education, and again isn't it interesting that this has been accomplished with the tenure system in place around the country? I have visited many campuses, discussed such issues with many hundreds of administrators and faculty members, and I have yet to witness any evidence that the system of tenure has generally inhibited faculty development or prohibited academic excellence. In fact the evidence is in the other direction; the system contributes to excellence. The relationship is not spurious; tenure assures academic freedom which is an essential pre-condition for excellence.

I do want to offer a few remarks on tenure. First, of course the system has imperfections and there are isolated cases of individuals exploiting the system, but I do not know of any other system with fewer

imperfections which can so effectively protect academic freedom and serve to enhance excellence.

There are some individuals who truly believe that there is no longer any need to be concerned about academic freedom allegedly because our society and our laws will provide the necessary protection from external political influences or pressures. However I have never seen or heard any comprehensive argument to demonstrate the validity of this argument. Certainly I will not suggest and in fact I would warn against abandoning the tenure system as an experiment to determine its validity. There are more than enough historical examples of attempts at political pressures to support this caution. Further I want to note that academic freedom also requires protection from internal influences which may include much greater possibilities for arbitrary administrative actions. For academic freedom we need protection from politics of and within our society and protection from politics of and within our institutions.

It is interesting to note that the tenure system becomes a target of attack when an institution is facing financial difficulties and/or not doing well academically. Indeed it would be difficult to find a financially and

academically thriving institution where tenure is cited as a concern. In fact at these institutions it is usual to hear statements as to how tenure has contributed to the institutions' success. When an institution is not faring well due to external events and/or limited or failed management and leadership, the cause of woes is then often attributed to tenure. This appears to reflect the frustration felt by administrators, who under pressure to do something, cannot do as they wish to change the size and distribution of faculty. Too often this goes only with the developed view by individual administrators that their positions confer on them the ability to act as mavens of all disciplines and fields of study. Consequences of this view are that they believe they can determine which faculty members are good and which are bad, and will assert that their forecasts of the future are so reliable as to stipulate without error which academic programs should die and which should live. These unwarranted presumptions of expertise are counter to the very nature of and requisites for academic excellence. Fortunately, in almost every case these views are not translated into operational decisions, and one strong reason for this is the tenure system. Without the presence of tenure the participation by faculty in the governance of universities would be absent or weak at best. This last point is often ignored but is in fact

**an extremely important argument for the tenure system.**

**Having offered these observations on tenure I shall now turn more directly to the business of the day. This I can do briefly but I wish to note that relating to the materials on development of the proposed post-tenure review has been cumbersome. To some degree it has been akin to addressing a moving target; even the labels appeared to change over time. However, let me state directly that the whole effort has been mis-directed and ill-founded. While the charge to the Committee was "not to threaten or undermine our system of appointments with continuing tenure" this caution was not reasonable or even possible to follow. The system of tenure precludes the kinds of suggested reviews and evaluations. Putting this even more directly, to implement anything like the suggested reviews is to abandon the thrust and very meaning of the tenure contract. I must express my disappointment that deans who represent the academic leadership of the University would be willing to participate in developing the suggested review procedures. I wish to believe that it was not their intent, but the result has been to trivialize tenure and thereby stand in the way of academic freedom and excellence.**



**I want to urge the administrators and the faculty to put to rest now and forever the kinds of reviews suggested by the "Post-Tenure Review Committee". Also I have another suggestion, not very profound but important. If our aim is to improve faculty development, let us, administrators and faculty, spend our time attracting more resources to the University to make this possible rather than expending time and effort inventing more review procedures.**

**Many thanks for your patience and attention.**

**Henry Solomon**

**Professor of Economics**

[Any inquiries about this resolution should be directed to Professor Dewey D. Wallace, Chair, Research Committee, Ext. 4-6326.]

A RESOLUTION ON COORDINATION OF THE FACULTY SENATE RESEARCH COMMITTEE AND THE ADVISORY COUNCIL ON RESEARCH (92/5)

WHEREAS, it clearly would benefit all concerned if the Faculty Senate Research Committee and the Advisory Council on Research would better coordinate their activities in order to more effectively carry out their functions and avoid duplication of effort; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the Senate Executive Committee appoint two members currently sitting on the Advisory Council on Research to the Faculty Senate Research Committee as a companion measure to the two persons chosen from the Faculty Senate Research Committee by the Associate Vice President for Research and Graduate Studies for inclusion on the Advisory Council on Research.

Research Committee  
January 29, 1993

Adopted February 12, 1993

Distributed February 12, 1993, to Faculty Senate by Professor Arthur D. Kirsch,  
a member of the Senate Committee on Appointment, Salary, and Promotion Policies.  
DATA EXCLUDES MEDICAL SCHOOL

	1989-90	1990-91	% CHG	1991-92	% CHG
SENIOR OFFICERS (1) FISCAL YEAR DATA INCLUDES SALARY AND BONUSES					
PRES. TRACTHENBERG	220000	242000	10.0	260000**	7.4
VICE PRES. CHERNAK	140000	150000	7.1	159630	6.4
VICE PRES. FRENCH	135000	145000	7.4	158110	9.0
VICE PRES. BORTZ	115000	125000	8.7	133660	6.9
VICE PRES. WORTH	95000	105000	10.5	113460	8.1
VP & TREAS DHIEL	160000	-	-	-	-
VP & TREAS KATZ	-	160000*	-	156000	-2.5
ASSOC VP COATES	97100*	86000	-	-	-
ASSOC VP GROSS	-	-	-	120000	-
ASSOC VP OLMO	97500	103350	6.0	108000	4.5
ASSOC VP SCHAUSS	-	95000*	-	102500	7.9
ASSOC VP COLE	-	-	-	95000*	-

	1989-90	1990-91	% CHG	1991-92	% CHG
FULL PROFESSORS (2,3) ACADEMIC YEAR CONTINUING FACULTY ONLY					
ARTS & SCIENCES	56252	59007	4.9		
EDUCATION	50069	53071	6.0		
ELLIOTT SCHOOL	57936	61118	5.5		
ENGINEERING	70524	74688	5.9		
BUS & PUB MGT	61290	64843	5.8		
LAW	92262	96786	4.9		
TOTAL	63063	66420	5.3		

ARTS & SCIENCES	-	57563	59708	3.7
EDUCATION	-	52952	54779	3.5
ELLIOTT SCHOOL	-	66146	68736	3.9
ENGINEERING	-	73788	76303	3.4
BUS & PUB MGT	-	64398	67365	4.6
LAW	-	98184	101430	3.3
TOTAL	-	65901	68348	3.7

(1) DATA FOR OFFICERS FROM IRS FORM 990.

(2) PERSONNEL BASE CHANGES FROM YEAR TO YEAR DUE TO RETIREMENT, HIRES, AND PROMOTIONS; CONTINUING FACULTY ONLY; the first two columns for faculty represent those persons here both 1989&1990; the second two columns represent those persons here both 1990&1991.

(3) DATA FOR FACULTY AS GIVEN BY GWU TO AAUP.

\* PERSON IN POSITION LESS THAN FULL YEAR; FIGURE PROJECTED FOR YEAR.

\*\* "AN ADDITIONAL \$14,874.76 IN COMPENSATION FOR DISABILITY INCOME PLANS WAS PAID" FOR PRES. TRACHTENBERG.



Faculty Senate Meeting - February 12, 1993

REPORT OF THE EXECUTIVE COMMITTEE

On behalf of the Executive Committee, Professor Robinson reported on the following matters:

(1) NONCONCURRENCES IN THE ARTS AND SCIENCES

The two administration nonconcurrences with departmental recommendations in the Arts and Sciences were, as previously reported, referred to the Board of Trustees. The documents were submitted to the Academic Affairs Committee. The Committee voted to sustain one and declined to sustain the other nonconcurrency. Nevertheless, the Academic Affairs Committee then referred both cases to the Executive Committee of the Board. An oral presentation was made on behalf of the Senate Executive Committee. The Board of Trustees met on Wednesday, February 10th, and accepted the recommendation of its Executive Committee to sustain the administration's nonconcurrences.

(2) GRIEVANCES

Two potential grievances are under informal review by the Executive Committee.

(3) REPORT OF THE EXECUTIVE COMMITTEE ON NONCONCURRENCES; THE ROLE OF SCHOOL-WIDE PERSONNEL COMMITTEES; ROLE OF DEPARTMENTS AND ADMINISTRATION

This report has been completed and should be reaching all full-time faculty members next week.

(4) MARCH SENATE MEETING

Please note that there will be an election of the Nominating Committee which will present a slate of nominees to serve on the Executive Committee for the 1993-1994 Session.

(5) FACULTY ASSEMBLY

Please also note that a Faculty Assembly meeting is scheduled for March 3rd.

The next Executive Committee meeting is scheduled for February 26th. The agenda for the March meeting will be set at this time. Please submit any resolutions you may have prior to that date.





THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

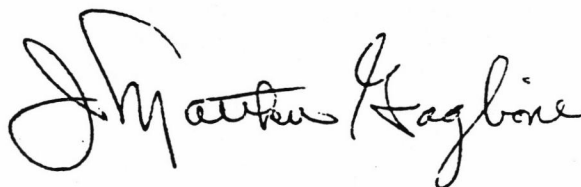
The Faculty Senate

February 1, 1993

The Faculty Senate will meet on Friday, February 12, 1993,  
at 2:10 p.m. in Lisner Hall 603.

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of January 15, 1993
3. Resolutions:
  - (a) A RESOLUTION ON POST-TENURE REVIEW (92/4) with accompanying Report; Professor Victor H. Cohn, Chair, Professional Ethics and Academic Freedom Committee (Resolution 92/4 and Report are attached.)
  - (b) A RESOLUTION ON COORDINATION OF THE FACULTY SENATE RESEARCH COMMITTEE AND THE ADVISORY COUNCIL ON RESEARCH (92/5); Professor Dewey D. Wallace, Chair, Research Committee (Resolution 92/5 is attached.)
4. Introduction of Resolutions
5. General Business:
  - (a) Report of the Executive Committee: Professor Lilien F. Robinson, Chair
  - (b) Interim Reports of Senate Committee Chairs
6. Brief Statements (and Questions)
7. Adjournment



J. Matthew Gaglione  
Secretary

A RESOLUTION ON POST-TENURE REVIEW (92/4)

WHEREAS generations of academic personnel at The George Washington University have been afforded academic freedom, fair process and employment protection by the system of tenure; and

WHEREAS the Faculty Code confirms and protects established tenure rights of faculty and provides for fair process for such cases where individuals are alleged to have become unfit to perform their academic duties; and

WHEREAS the Faculty Code is an express part of the contract between each member of the faculty and The George Washington University; and

WHEREAS a National Commission of Higher Education Issues issued recommendations in 1982 strongly asserting "the continuing importance of faculty tenure as an essential instrument to protect academic freedom and thereby ensure the highest quality of teaching and research;" and

WHEREAS it is accepted that, as elimination of mandatory retirement at other universities has not had the effect of dramatically extending the time of active service the Age Discrimination in Employment Act, which will end compulsory retirement based on age on December 31, 1993 is not cause for concern or precipitate measures; and

WHEREAS in an End-of Year report a Joint Task Force has made recommendations which would seriously weaken tenure protections for faculty; now therefore be it


RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. The Faculty Senate considers that the basic suggestions regarding additional formal systematic reviews of continuing faculty and the recommendations for their implementation contained in the report of the working party would seriously compromise the protections of tenure.
2. The Faculty Senate opposes reduction in faculty salaries as inconsistent with the Faculty Code, contractual rights and academic freedom of the faculty.
3. While good-faith discussions and positive incentives are consistent with academic freedom, the Faculty Senate opposes threats or processes of harassment to "encourage" retirement of faculty.
4. Peer review procedures are presently provided for in the Faculty Code. The Senate opposes the imposition of additional peer review of tenured and other continuing faculty; it believes that additional peer review would result in unacceptable costs in time, money, creativity, independence and collegial relationships and could be used for purposes of harassment and intimidation or to provide grounds for dismissal alternative to the proper procedures of the Faculty Code that provide the necessary safeguards for academic due process.

Senate Committee on Professional Ethics and Academic Freedom  
Passed 7 December 1992

8 December 1992

MEMORANDUM TO: Professor Lilian Robinson, Chair  
Faculty Senate Executive Committee

FROM: Victor H. Cohn, Chair   
Senate Committee on Professional Ethics and Academic  
Freedom

SUBJECT: Post-Tenure Review

The results of our study of the End-of-Year Report of the Joint Task Force on Continuing Faculty (dated June 3, 1992 and revised October 20, 1992), which was referred to this Committee by the Faculty Senate for comment, follow. As "continuing faculty" largely means tenured faculty, our memorandum is frankly so labeled. It comprises three parts: a brief section presenting some of the background of the issue, an outline of the proposals of the Joint Task Force with commentary, and our recommendations in the form of a resolution.

#### I. BACKGROUND

Generations of academic personnel at The George Washington University have been afforded academic freedom, fair process and protection by the tenure system<sup>1</sup>. Tenured faculty may be removed only for unfitness to perform academic duties, termination of an entire instructional program, or, a last resort, on account of extraordinary financial exigency<sup>2</sup>. A tenured faculty member charged with unfitness has a right to formal notice of the accusation, to formal hearings before an impartial faculty committee, to be represented by counsel and recourse to appeal<sup>3</sup>. During the past two or three years, however, a significant opposition to a continuation of these tenure guarantees has been voiced by some Deans, the apparent support of the Vice President for Academic Affairs, and others.

One new factor cited in this connection is the federal Age Discrimination in Employment Act which will end compulsory retirement based on age on December 31, 1993. As the report of the Joint Task Force itself concedes, "The experience of other universities has suggested that the elimination of mandatory retirement has not had the effect of dramatically extending the time of active service." Nevertheless, the pressure for elimination of our present tenure system is based on a view that the University should have more expeditious means for sanctioning or removal of tenured faculty than is now provided by the Faculty Code.

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<sup>1</sup>See *Code and Ordinances Governing Academic Personnel of the George Washington University* (first printing 1937), July 1986 edition.

<sup>2</sup>Ibid. pp. 10-11.

<sup>3</sup>Ibid. pp. 23-32.



## II. SUMMARY: END-OF-YEAR REPORT<sup>4</sup>

The Executive Committee has stated its belief that the findings and preliminary recommendations of the End-of-Year Report of the Working Party on Continuing Faculty could seriously affect the protections presently provided by the Faculty Code for the system of tenure. Although the document was descriptively titled an End-of-Year Report, not a "final report" the Vice President for Academic Affairs has proposed to the Faculty Senate that "we are prepared to work on the implementation of the basic suggestions of the document." The Faculty Senate has, therefore, mandated this analysis and invited broad faculty discussion of the issues raised.

With this purpose in mind, we would highlight the following points in the Report for your attention:

1. Additional regular, periodic review of tenured and other continuing faculty by department chairs or deans including reviews on a seven year cycle.
2. Additional merit increases for deserving faculty.
3. Peer review of tenured and other continuing faculty.
4. The option for "merit" (i.e., demerit) reductions in salary for tenured and other continuing faculty.
5. "Encouragement" of tenured and other continuing faculty to take retirement.

After intensive discussions in our Committee, we offer our views and recommendations with respect to each of these major points:

1. ADDITIONAL PERIODIC REVIEWS OF TENURED AND OTHER CONTINUING FACULTY. The End-of-Year Report asserts that, "...other universities have found long-term performance evaluation to be a significant tool in creating and maintaining a high level of faculty productivity and morale." No such university is named nor is any other authority or reference cited on which this assertion is based. In his minority report Professor John Lobuts states, "...These meetings were not directed towards any collection of data,...I once proposed we invite experts to discuss...the topic of professional evaluation. This recommendation was never acted upon." Consequently, the recommendations of the Working Group appear to be based entirely on the members' personal notions of what might be salutary or beneficial

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<sup>4</sup>In a memorandum to VP French dated June 17, Professor John A. Morgan requested six changes in wording of the End-of-Year report document, dated June 3, 1992. The new version of the report document, dated October 20, 1992, incorporates five of the six requested changes. The change requested by Professor Morgan not incorporated by the Deans and Vice President French was to delete the sentence, "... The option should be available not only to award special raises, but if the situation of the faculty member demanded it, even to reduce salary."



rather than on forms that, as the lead assertion has it, have proved their worth elsewhere. If the present system, which has served us well over many years, nevertheless remains less than wholly satisfactory, something more than anecdotal input will be required to confidently guide us towards its improvement.

2. ADDITIONAL MERIT INCREASES. The End-of-Year Report reads, "The Committee would favor an increase in compensation for faculty [and administrators] who had demonstrated a high level of achievement...funded in the same way as mid-year merit raises of the recent past." This reference to a past University experiment with extraordinary merit increases outside the regular annual scheme naturally leads us to ask if their effect has been the subject of study by the administration. If so, the results of this study might well shed light on the benefits to be derived from new proposals offered here.
3. PEER REVIEW OF TENURED AND OTHER CONTINUING FACULTY. The End-of-Year Report states, "In those circumstances in which either the department chair, the dean, or the faculty member finds the outcome [of a review] less than satisfactory, a system of peer review should be invoked. Peer review could be handled through school-wide Personnel Committees or ad hoc Committees..." It is not clear what peer role a school-wide Personnel Committee (other than a Committee of the Whole) could serve. If a disagreement develops as to technical direction to be pursued within the discipline either along the lines of research or academic program, such considerations are of a specialized nature. It seems clear that they must necessarily be resolved collegially within the discipline. If the disagreements turn other non-technical matters of faculty versus administrative prerogative or discretion, then a forum for the resolution of the disagreement or dispute, if it should come to that, is already provided for in the Faculty Code.

Imposition of additional formal post-tenure review would result in a sense of harassment, intimidation, and destruction of collegial relationships between faculty. Furthermore, it might be used as a means for circumventing the fair procedures specified in the Faculty Code for removal of tenure. Recent experience with school-wide personnel committees expressly created to function merely as advisory to the Dean, who must cite compelling reasons not to concur with faculty recommendations, gives cause for concern. The Administration seems to regard a negative advisory recommendation to the Dean by the school-wide committee as in itself constituting an automatic basis for nonconcurrence. One fears this type of peer review could lead to intimidation, coerced resignation or retirement and the routine circumvention of academic due process in the removal of tenure. This would impose a heavy cost in faculty quality, time and morale.

4. "MERIT" (I.E., DEMERIT) REDUCTIONS IN SALARY FOR TENURED AND OTHER CONTINUING FACULTY. The End-of-Year Report states that the option should be available not only to award special raises, but if the situation of the faculty member demanded it, even to reduce salary. As has long been recognized, the continued working of our tenure system for the assurance of academic freedom and impartial scholarship requires that faculty, even as an independent judiciary " ... shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office."<sup>5</sup> The

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<sup>5</sup>United States Constitution, Article III, Section I.2

option to impose reductions in salary when in the opinion of the discretionary authority "the situation of the faculty member demanded it" is effectively to abolish the protection of tenure and a breach of the contract between the University and the individual members of the Faculty<sup>6</sup>.

5. "ENCOURAGEMENT" OF TENURED AND OTHER CONTINUING FACULTY TO TAKE RETIREMENT. The End-of-Year Report states, "... In those circumstances in which it becomes necessary to encourage a faculty member to take retirement, a rational and mutually agreeable transition plan would have obvious advantages."

If the conclusion that forced retirement of a particular faculty has become necessary is grounded in adequate cause rather than administrative convenience, the procedures for accomplishing that end are already set forth in the Faculty Code. If the perceived necessity is based on some apparently irreconcilable divergence of views, that is precisely the sort of assault against which the system of tenure is designed to offer protection. If it is based merely on the age of the faculty member, the conclusion is contrary to public policy.

Finally, the comments bearing on the needs for the University to give creative thought to the needs of retired and emeritus faculty are certainly well taken. However, in the terms of the charge of the Working Group on Continuing [active status] Faculty, this well meaning paragraph must be considered a distraction.

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<sup>6</sup>Faculty Code, p 5. The Code provides that it "shall be considered part of the agreement between faculty member and the University."

[Any inquiries about this resolution should be directed to Professor Dewey D. Wallace, Chair, Research Committee, Ext. 4-6326.]

A RESOLUTION ON COORDINATION OF THE FACULTY SENATE RESEARCH COMMITTEE AND THE ADVISORY COUNCIL ON RESEARCH (92/5)

WHEREAS, it clearly would benefit all concerned if the Faculty Senate Research Committee and the Advisory Council on Research would better coordinate their activities in order to more effectively carry out their functions and avoid duplication of effort; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the Senate Executive Committee appoint two members currently sitting on the Advisory Council on Research to the Faculty Senate Research Committee as a companion measure to the two persons chosen from the Faculty Senate Research Committee by the Associate Vice President for Research and Graduate Studies for inclusion on the Advisory Council on Research.

Research Committee  
January 29, 1993



**FACULTY SENATE STANDING COMMITTEES**

February, 1993

**THE GEORGE WASHINGTON UNIVERSITY  
Washington, DC**

**TO:** Members of the University Faculty Assembly

**FROM:** Lilien F. Robinson, Chair *L.F. Robinson*  
Executive Committee of the Faculty Senate

**RE:** Call for Nominations for Election to Faculty Senate  
Standing Committees, 1993-94 Session

In April, the newly-elected and incumbent Executive Committee of the Faculty Senate will meet jointly "to nominate the members and chairmen of the standing committees and special committees" of the Faculty Senate for the year 1993-94.

I urge all colleagues seriously to consider volunteering their service to one of the following Senate Committees during the forthcoming year. Please keep in mind that in the interest of "continuity" in committee membership, the Senate amended its Bylaws to read: "...elected members should consider it an obligation to stand for re-election to the same committee at least once." If you wish to be elected or re-elected to a Senate Committee, please return this form to:

**FACULTY SENATE OFFICE  
RICE HALL, #305**

**BY MARCH 26, 1993**

Administrative Matters as They  
Affect the Faculty  
Admissions Policy and Student  
Financial Aid  
Appointment, Salary, and Promotion  
Policies (including Fringe Benefits)  
Athletics and Recreation  
Dispute Resolution Committee (3-year term)  
Educational Policy

Faculty Development and Support  
Fiscal Planning and Budgeting  
Honors and Academic Convocations  
Libraries  
Physical Facilities  
Professional Ethics and Academic  
Freedom  
Research  
University and Urban Affairs

Name \_\_\_\_\_ Department \_\_\_\_\_ Rank \_\_\_\_\_

Currently serving on the Senate Committee on: \_\_\_\_\_

Do you wish to be re-elected to this Committee? \_\_\_\_ Yes \_\_\_\_ No

I should like to serve on a Senate Committee according to my preferences below:

(1st Choice) \_\_\_\_\_

(2nd Choice) \_\_\_\_\_

(3rd Choice) \_\_\_\_\_

I will be available for committee  
work during the regular academic  
year \_\_\_\_ Yes \_\_\_\_ No

I will also be available for  
committee work during at least one  
of the summer sessions \_\_\_\_ Yes \_\_\_\_ No

I prefer not to serve during 1993-94 \_\_\_\_.





**ADMINISTRATIVE STANDING COMMITTEES**

February, 1993

THE GEORGE WASHINGTON UNIVERSITY  
Washington, DC

TO: Members of the University Faculty Assembly  
FROM: Lilien F. Robinson, Chair *Lilien F. Robinson*  
Executive Committee of the Faculty Senate  
RE: Appointments to Administrative Standing and Special  
Committees for the Year 1993-94

At its April and May meetings the Faculty Senate will recommend faculty for presidential appointment to membership on certain Administrative Standing Committees listed below. When the Executive Committee meets in March, it will draw up a list of faculty nominees for approval by the Senate.

If you are interested in volunteering your services--and I urge you to give the matter serious consideration--please indicate your preferences and return this form to:

FACULTY SENATE OFFICE  
RICE HALL, #305

BY MARCH 12, 1993

Committee on Campus Security  
Committee on the Judicial System  
Committee on Student Publications  
Committee on University Bookstore  
GW Forum  
Joint Committee of Faculty  
and Students

Marvin Center Governing Board  
Marvin Center Program Board  
Panel for Student Grievance  
Review Committees  
University Hearing Board

Name \_\_\_\_\_ Department \_\_\_\_\_ Rank \_\_\_\_\_

Currently serving on the Administrative Committee on: \_\_\_\_\_

Do you wish to be re-elected to this Committee? \_\_\_\_ Yes \_\_\_\_ No

I should like to serve on an Administrative Committee according to my preferences below:

(1st Choice) \_\_\_\_\_

(2nd Choice) \_\_\_\_\_

(3rd Choice) \_\_\_\_\_

I will be available for committee work during the regular academic year \_\_\_\_ Yes \_\_\_\_ No

I will also be available for committee work during at least one of the summer sessions \_\_\_\_ Yes \_\_\_\_ No

I prefer not to serve during 1993-94 \_\_\_\_.

Thank you for your prompt consideration of this matter.

